

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 238 be amended to read as follows:

- 1 Page 15, after line 28, begin a new paragraph and insert:
- 2 "SECTION 14. [EFFECTIVE UPON PASSAGE] (a) As used in
- 3 this SECTION, "commission" refers to the criminal code
- 4 evaluation commission established by subsection (b).
- 5 (b) The criminal code evaluation commission is established to
- 6 evaluate the criminal laws of Indiana. If, based on the
- 7 commission's evaluation, the commission determines that changes
- 8 are necessary or appropriate, the commission shall make
- 9 recommendations to the general assembly for the modification of
- 10 the criminal laws.
- 11 (c) The commission may study other topics assigned by the
- 12 legislative council or as directed by the commission chair.
- 13 (d) The commission may meet during the months of:
- 14 (1) June, July, August, and September of 2009;
- 15 (2) April, May, June, July, August, and September of 2010;
- 16 and
- 17 (3) June, July, August, and September of 2011.
- 18 (e) The commission consists of seventeen (17) members
- 19 appointed as follows:
- 20 (1) Two (2) members of the senate, who may not be affiliated
- 21 with the same political party, to be appointed by the president
- 22 pro tempore of the senate.
- 23 (2) Two (2) members of the house of representatives, who may
- 24 not be affiliated with the same political party, to be appointed

by the speaker of the house of representatives.

(3) The attorney general or the attorney general's designee.

(4) The commissioner of the department of correction or the commissioner's designee.

(5) The executive director of the prosecuting attorneys council of Indiana or the executive director's designee.

(6) The executive director of the public defender council of Indiana or the executive director's designee.

(7) One (1) judge who exercises juvenile jurisdiction, to be appointed by the governor.

(8) Two (2) judges who exercise criminal jurisdiction, who may not be affiliated with the same political party, to be appointed by the governor.

(9) Two (2) prosecuting attorneys, who may not be from the same political party, to be appointed by the governor.

(10) Two (2) attorneys who are criminal defense attorneys, to be appointed by the governor.

(11) Two (2) professors employed by a law school in Indiana whose expertise includes criminal law, to be appointed by the governor.

(f) The chairman of the legislative council shall appoint a legislative member of the commission to serve as chair of the commission. Whenever there is a new chairman of the legislative council, the new chairman may remove the chair of the commission and appoint another chair.

(g) If a legislative member of the commission ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the commission.

(h) A legislative member of the commission may be removed at any time by the appointing authority who appointed the legislative member.

(i) If a vacancy exists on the commission, the appointing authority who appointed the former member whose position is vacant shall appoint an individual to fill the vacancy.

(j) The commission shall submit a final report of the results of its study to the legislative council before November 1, 2011. The report must be in an electronic format under IC 5-14-6.

(k) The Indiana criminal justice institute shall provide staff support to the commission to prepare:

(1) minutes of each meeting; and

(2) the final report.

(l) The legislative services agency shall provide staff support to the commission to:

(1) advise the commission on legal matters, criminal procedures, and legal research; and

(2) draft potential legislation.

(m) Each member of the commission is entitled to receive the

1 same per diem, mileage, and travel allowances paid to individuals
2 who serve as legislative and lay members, respectively, of interim
3 study committees established by the legislative council.

4 (n) The affirmative votes of a majority of the voting members
5 appointed to the commission are required for the commission to
6 take action on any measure, including the final report.

7 (o) Except as otherwise specifically provided by this act, the
8 commission shall operate under the rules of the legislative council.
9 All funds necessary to carry out this act shall be paid from
10 appropriations to the legislative council and the legislative services
11 agency.

12 (p) This SECTION expires December 31, 2011.

13 SECTION 15. An emergency is declared for this act."

(Reference is to ESB 238 as printed April 3, 2009.)

Representative Foley